

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIFFORD AIMSBACK,

Defendant.

CR 16-33-GF-BMM

ORDER

Defendant Clifford Aimsback (Aimsback) appeared before United States Magistrate Judge John Johnston on February 1, 2017, and entered a plea of guilty to making a False Statement to Federal Law Enforcement as charged in the Superseding Information. Judge Johnston entered Findings and Recommendations on the same date. (Doc. 118). Judge Johnston determined: (1) that Aimsback was fully competent and capable of entering an informed and voluntary plea; (2) that Aimsback was aware of the nature of the charge against him and the consequences of pleading guilty; (3) that Aimsback understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Aimsback had adequate time to review the Plea Agreement with counsel; (5) that Aimsback understood each provision of the Plea Agreement; and (6) that Aimsback's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact

establishing each of the essential elements of the offense charged in the Superseding Information. (Doc. 118 at 1-2). Judge Johnston recommended that this Court accept Aimsback's plea of guilty to making a False Statement to Federal Law Enforcement. (Doc. 118 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Aimsback's Motion to Change Plea (Doc. 111) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 110) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 16th day of February, 2017.



Brian Morris
United States District Court Judge